

SERVICE DATE – FEBRUARY 3, 2015

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 366X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in Stark County, Ohio**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NS) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Stark County, Ohio. The rail line proposed for abandonment extends approximately 1.30 miles from milepost EU 0.70 to EU 2.00 (the Line). A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NS submitted an Environmental Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NS served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to NS, no local traffic has moved over the line for at least two years and all overhead traffic was rerouted years ago. NS further attests that the line has been out of service for over five years and that track has already been removed in several places. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 290 (Sub-No. 366X).

result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

If approval is granted, NS intends to salvage track and ties and leave ballast in place. According to NS, there are no bridges or other structures within the right-of-way, and no soil disturbance from digging or regrading is foreseen to occur. NS plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to NS, the line is in a moderately-urbanized area just north of the main business district of Massillon, Ohio, approximately 7.5 miles west of the larger city of Canton, Ohio.

NS states that the line does not cross and is not immediately adjacent to any waterway. According to NS, salvage activities would not cause sedimentation or erosion of the soil, and NS does not anticipate any dredging or use of fill when removing the track material. NS states that no debris would be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials. Ohio EPA submitted comment that no permits under Section 402 of the Clean Water Act would be required if the Board approves this project. Additionally, the Huntington District of the Army Corps of Engineers (the Corps) submitted comment stating that its review of the project found that it will “neither result in a discharge of dredged or fill material into waters of the United States nor involve work in, on, over, or under a navigable water of the United States,” and therefore, not require a permit issued by the Corps under Section 404 of the Clean Water Act (33 U.S.C. § 1344).

OEA received a number of agency responses making no objection or requesting any imposition of conditions to the proposed abandonment. The Ohio Department of Natural Resources, Office of Coastal Management (OHDNRCM) submitted comment that the proposed project is not located within Ohio’s designated coastal zone or the Lake Erie Watershed. Moreover, a Federal consistency review under the Coastal Zone Management Act of 1972 is not required unless NS or the Board determine that the project will have reasonably foreseeable effects on any use or resource of Ohio’s coastal zone; NS states that there are no such foreseeable effects. The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that there are no Federal wilderness areas, wildlife refuges, or designated critical habitat areas within the vicinity of the project area; additionally, USFWS does not anticipate adverse effects to federally endangered, threatened, proposed, or candidate species. Additionally, the City of Massillon submitted comment that the City recognizes the need for the abandonment, and contains no objection.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage

activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The National Geodetic Survey (NGS) identified one geodetic station marker that may be affected by the proposed abandonment, therefore, OEA recommends that NS notify and consult with NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

NS served the Historic Report on the Ohio History Connection, being the Ohio State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). OEA has reviewed the report and the information provided by the SHPO, and we concur with the SHPO's comments.

Timeline of Events Affecting the Line, According to Norfolk Southern	
1869	The Massillon and Cleveland Railroad was built and leased to the Pittsburgh, Fort Wayne and Chicago Railroad upon completion. The lease was assumed by the Pennsylvania Railroad later that year.
1871	The lease was assigned to the Pennsylvania Company.
1918	Operations were transferred back to the Pennsylvania Railroad.
1968	The Pennsylvania Railroad merged with the New York Central Railroad to form the Penn Central Transportation Company (Penn Central).
1976	Portions of the Penn Central properties, including the subject line, were included in the formation of Consolidated Rail Corporation (Conrail).
1999	Norfolk Southern Corporation (NSC), parent to Norfolk Southern Railway Company (NSR), assumed control of approximately 58 of the Conrail properties, including the subject line. CSX Transportation (CSX) assumed ownership of the remaining share of the Conrail properties.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.dot.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: The Delaware Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ottawa Tribe of Oklahoma; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Wyandotte Nation, Oklahoma. Accordingly, OEA is sending a copy of this EA to each of those tribes for review and comment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

- 1. The Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

² Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited January 23, 2015).

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 290 (Sub-No. 366X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.dot.gov.

Date made available to the public: February 3, 2015.

Comment due date: February 18, 2015.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment